

*PATENT***REMARKS**

In the Office Action, the Examiner rejected claims 1, 6-8, 13-19, 21 and 22-25 under 35. U.S.C. §102; and rejected claims 2-5, 9-12 and 20 under 35 U.S.C. §103(a). These rejections are fully traversed below.

Claims 1, 13, 14, 16, 17, 21 and 22 have been amended to further clarify the subject matter regarded as the invention. Thus, claims 1-25 remain pending. Reconsideration of the application is respectfully requested.

REJECTION OF CLAIMS 1 AND 6-8 UNDER 35 USC 102(b)

On pages 1-2 of the Office Action, the Examiner rejected claims 1 and 6-8 under 35 USC 102(b) as being anticipated by Johnson et al., U.S. Patent No. 6,279,946. Applicants respectfully disagree.

Claim 1 pertains to a personal wireless communication device that, among other things, includes a microphone for sound pickup and a directional speaker for sound output.

In contrast, Johnson et al. pertains to "[m]ethods for controlling a system in a vehicle in which radiation is directed from a transducer into the passenger compartment and is reflected off or modified by an object in the passenger compartment and received by the same or a different transducer." Such methods are for use in a vehicle and have no use for personal wireless communication devices. The Examiner references col. 29, line 19 because Johnson et al. therein makes mention of a "cellular phone". However, the cellular phone mentioned at col. 29, line 19 is merely describing a usage scenario in which a user of a vehicle is using a cellular phone. While the vehicle can use directional speakers as noted at col. 29, lines 33-35 of Johnson et al., the directional speakers are again part of the vehicle and have nothing to do with the cellular phone.

PATENT

Consequently, it is submitted that Johnson et al. fails to teach or suggest claim 1. Claim 6-8 depend from claim 1 and are, therefore, patentably distinct from Johnson et al. for at least the same reasons.

REJECTION OF CLAIMS 2-5, AND 9-12 UNDER 35 USC 103(a)

On pages 8-12 of the Office Action, the Examiner rejected claim 2 under 35 USC 103(a) as being unpatentable over Johnson et al.; rejected claims 3-5 under 35 USC 103(a) as being unpatentable over Johnson et al. in view of Meyer et al. (U.S. Pat. No. 5,588,041); rejected claim 9 under 35 USC 103(a) as being unpatentable over Johnson et al. in view of Norris (U.S. Pat. No. 6,151,398); and rejected claims 10-12 under 35 USC 103(a) as being unpatentable over Johnson et al. in view of American Technology Corporation Technology Licensing Webpage (hereafter "American Technology Corp."). Applicants respectfully disagree.

Claim 2 pertains to a personal wireless communication device that, among other things, includes a directional speaker for sound output as noted in claim 1 as well as a standard, non-directional speaker for sound output. Johnson et al. has at least the deficiencies noted above with respect to claim 1. Also, nothing in Johnson et al. would motivate the inclusion of a directional speaker as well as a standard, non-directional speaker as recited in claim 2.

Claim 3 depends from claim 2 and further recites that the personal wireless communication device includes "a controller that controls which speaker or speakers to be used for the sound output." The Examiner relies on Meyer et al. for teaching of a switching mechanism, which performs a switching action based on whether an optional handset is attached to its holder. The switching in Meyer et al. is between a default hands-free mode and a secondary handset mode of operation. However, nothing in Johnson et al. or Meyer et al. teaches or suggests switching between a directional speaker and a non-directional speaker.

PATENT

Claim 4 depends from claim 3 and further recites that the personal wireless communication device includes "at least one sensor, and wherein said controller automatically controls which speaker or speakers to be used for sound output based on information provided by at least said sensor." The switching action in Meyer et al. relies on a handset sensing device 317 and a hang-up cup sensing device 319, and these sensors to provide an indication as to whether an optional handset 127 is attached to a hang-up cup 129. See, Meyer et al., col. 8, lines 9-43. However, beyond the deficiencies noted above, the sensing devices 317 and 319 are not part of a cellular speakerphone 100 in Meyer et al. but for an optional handset 127 and an associated hang-up cup 129. See, Meyer et al., Figs. 1 and 3. Hence, it is submitted that claim 4 is further distinguished from Johnson et al. and Meyer et al.

Claim 5 depends from claim 1 and further recites that "said personal wireless communication device is a hand-held communication device." Here, the Examiner asserts that "[i]t would have been obvious for one of ordinary skill in the art to implement [the] device of Johnson et al. with a handset." Applicants respectfully disagree. The methods disclosed in Johnson et al. are for use in a vehicle and nothing suggests how these methods could in any way be used in, for example, a cellular speakerphone 100 of Meyer et al.

Claim 9 depends from claim 8, which depends from claim 1. Norris is unable to overcome the deficiencies of Johnson et al. noted above. Therefore, it is submitted that claim 9 is patentably distinct from Johnson et al. and Norris for at least the reasons noted above with respect to claim 1.

Claims 10-12 depend from claim 8, which depends from claim 1. American Technology Corp. is unable to overcome the deficiencies of Johnson et al. noted above. Therefore, it is submitted that claims 10-12 are patentably distinct from Johnson et al. and American Technology Corp. for at least the reasons noted above with respect to claim 1. Additionally, Applicants disagree that claim 12 recites an obvious design choice.

PATENT**REJECTION OF CLAIMS 13-15 UNDER 35 USC 102(e)**

On pages 3-4 of the Office Action, the Examiner rejected claims 13-15 under 35 USC 102(e) as being anticipated by Takahashi et al., U.S. Patent No. 6,643,377. Applicants respectfully disagree.

Claim 13 pertains to a peripheral apparatus for an electronic device, where the electronic device is a personal wireless communication device. Further, the peripheral apparatus for the personal wireless communication device includes a directional speaker that provides ultrasonic sound output.

Takahashi et al. describes an audio output apparatus for use in providing a television conference. None of the television 102, the set top box 106 or the speakers 102, 103 are personal wireless communication devices. Hence, it is submitted that Takahashi et al. fails to teach or suggest the peripheral apparatus recited in claim 13. Also, claims 14 and 15 depend from claim 13 and are, therefore, patentably distinct from Takahashi et al. for at least the same reasons.

REJECTION OF CLAIMS 16-19 and 21 UNDER 35 USC 102(b)

On pages 4-5 of the Office Action, the Examiner rejected claims 16-19 and 21 under 35 USC 102(b) as being anticipated by McNelley et al., U.S. Patent No. 5,777,665. Applicants respectfully disagree.

Claim 16 pertains to a peripheral device for a computing device. The peripheral device has a housing with a directional speaker. The directional speaker is configured to provide ultrasonic sound output in a predetermined direction, wherein the ultrasonic sound output by the directional speaker can result in audio sound in the predetermined direction for a user of said computing device. The peripheral device can also include "a port connector configured to assist with coupling said peripheral device to the computing device so that said computing device can drive said directional speaker to produce the audio sound."

In the Office Action, the Examiner points to Fig. 14 of McNelley et al. At Fig. 14, a beamsplitter 6 directs teleconferencing audio to a conferee. The audio

PATENT

sound is provided by a speaker 55, which can be "special directional speakers." Even so, McNelley et al. does not teach or suggest that the speaker 55 is "configured to provide ultrasonic sound output in a particular direction, wherein the ultrasonic sound output by said directional speaker results in audio sound in the particular direction for a user of said computing device" as is recited in claim 16. Also, the ports 18 and 19 illustrated in Fig. 6 of McNelley et al. are for the display 2, not the speaker 55 shown in Fig. 14.

Therefore, it is submitted that McNelley et al. fails to teach or suggest the peripheral apparatus recited in claim 16. Also, claims 17-19 and 21 depend from claim 16 and are, therefore, patentably distinct from McNelley et al. for at least the same reasons.

REJECTION OF CLAIM 20 UNDER 35 USC 103(a)

On pages 10-11 of the Office Action, the Examiner rejected claim 20 under 35 USC 103(a) as being unpatentable over McNelley et al. in view of Brian (How Stuff Works – USB, Oct. 11, 2002). Applicants respectfully disagree. Claim 20 depends from claim 16. Brian, even if combined with McNelley et al., fails to overcome the deficiencies of McNelley et al. noted above. Hence, it is submitted that claim 20 is also patentably distinct from McNelley et al. in view of Brian.

REJECTION OF CLAIMS 22-25 UNDER 35 USC 102(b)

On pages 5-7 of the Office Action, the Examiner rejected claims 22-25 under 35 USC 102(b) as being anticipated by Breed, U.S. Patent Pub. No. 2001/0038698. Applicants respectfully disagree.

Claim 22 pertains to a method for automatically selecting one of a plurality of potential speakers associated with an audio output device, where some of the speakers are directional while other of the speakers are non-directional. Among other things, claim 22 recites: "determining whether the appropriate one or

PATENT

more of the potential speakers are to be directional, non-directional or both based on the piece of information." In contrast, in Breed the speakers are directional (i.e., ultrasonic) and there is no selection between directional and/or non-directional speakers based on a piece of information as recited in claim 1.

Therefore, it is submitted that Breed fails to teach or suggest at least the speaker selection by the peripheral apparatus recited in claim 22. Also, claims 23-25 depend from claim 22 and are, therefore, patentably distinct from Breed for at least the same reasons.

SUMMARY

It is submitted that claims 1-25 are patentably distinct from the cited references. Reconsideration of the application and an early Notice of Allowance are earnestly solicited.

If there are any issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned representative at the telephone number listed below.

Respectfully submitted,
C. Douglass Thomas



Reg. No. 32,947

(650) 903-9200